II. REMARKS

A. Status

Claims 1-8 and 10-17 were pending at the time of the latest Action. Claims 1-3, 6-8 and 10-16 are currently active for examination, of which claims 1 and 13 are independent.

In the Office Action, claims 1-8 and 10-17 were rejected under 35 U.S.C. § 103(a) as being obvious over Thomas et al. (U.S. Publication No. 2003/0037068) in view of Proehl (U.S. Patent No. 6,614,844, hereinafter "Proehl"). Office Action at 3-7.

In this amendment, claims 1, 3, 6-8, 10-13, and 15-16 have been amended to overcome the rejections and claims 4, 5, and 17 were cancelled. Care has been exercised not to introduce new matter.

A. Claims Are Not Obvious

Claims 1-8 and 10-17 were rejected under 35 U.S.C. § 103(a) as being obvious over Thomas in view of Proehl. Office Action at 3-7. The rejection is respectfully traversed for the following reasons.

1. Independent Claims Are Not Obvious

In order to overcome the rejections, the present claims were amended and each amendment is founded on the description in the original specification.

In independent claims 1 and 13, the structure of main data and sub data and the structure for judging whether the sub data is rendered are clarified. That is, claim 1 for example now recites: (a) "the same ID code as assigned to the main data is assigned to the sub data"; (b) "when the main data stored in the memory is rendered, the controller detects an ID code assigned to the main data, compares the detected ID code with an ID code assigned to the sub data stored in the memory and judges whether the sub data associated with the main data under rendering

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has already been read from the memory and its video rendered"; and (c) "in case the sub data video hasn't been rendered, the controller incorporates substitute data which is embedded in the main data and associated with the sub data into the main data when the main data is rendered". Method claim 13 includes similar recitations. Amendment at 2-6. In particular, in respect to (b), the judging operation is now defined by making use of "already" as "(the controller) judges whether the sub data associated with the main data under rendering has already been read from the memory and its video rendered". *Id.* at 2-5.

Amendment of "the same ID code as assigned to the main data is assigned to the sub data" in claims 1 and 13, is founded on the specification and Fig. 2, in which "ID code" conforms with "ID101,111" in Fig. 2. Application at 12:12-24; Fig. 2.

Amendment of "when the main data stored in the memory is rendered, the controller detects an ID code assigned to the main data, compares the detected ID code with an ID code assigned to the sub data associated with the main data under rendering has already been read from the memory and its video rendered" in independent claim 1, and amendment of "wherein in the step of rendering, the ID code is assigned to the main data is detected; the detected ID code is compared with the ID code assigned to the sub data stored in the memory; judging whether the sub data associated with the main data under rendering has already been read from the memory and its video rendered is executed according to the result of the comparing" in independent claim 13, are founded on the specification and Fig. 6. *Id.* at 15:15-16; Fig. 6.

Features of the invention are, as defined in claims 1 and 13, to receive and store video data which consists of sets of main data and sub data falling under different categories, in which, the sets of main data and sub data are associated and sequenced along time axis. A set of main data and sub data has an ID code and substitute data embedded in advance. The same ID code as

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assigned to the main data is assigned to the sub data. When the main data stored in the memory is rendered, an ID code assigned to the main data is detected and compared with an ID code assigned to the stored sub data. A judgment is made whether the sub data associated with the main data under rendering has already been read and its video rendered. Unless the sub data video has been rendered, substitute data embedded in the main data and associated in advance with the sub data is incorporated into the main data. Amendment at 2-5.

For example, in case the user renders only main data such as program contents and does not render sub data such as commercials by, for example, skipping over the sub data, the claimed arrangement makes it possible to judge whether the sub data is not rendered still by referring to the ID code which is embedded in the main data and the sub data and to provide the user with substitute data which is associated with the sub data together with the main data. Accordingly, as a result, independent claims 1 and 13 recite inventions that may for example inform the viewer of the presence of the sub data such as an advertisement, which is apt to be ignored by the user without great disturbance of rendering of the main data. *Id.* Again, the independent claims are supported by the specification. Application at 4:13-5:13; 26:17-23.

Contrastingly, Thomas discloses that only when video content (video content corresponds to main data in the present claims) is paused temporarily, that is, during pause-time, the information associated with the temporarily paused video content is incorporated into the video content or substituted for the video content and is rendered. Thomas at ¶¶ [0010]–[0012]. However, the Office Action admits that the technology of judging whether sub data is rendered and provided for a use, and, unless the sub data is rendered, incorporating substitute data associated with the sub data into the main data and rendering *is not disclosed*. Office Action at 3.

The Office action then alleges that the above technology, missing from Thomas, is disclosed in Proehl. *Id.* at 4. In Proehl, during a modified mode such as a fast playback mode (for example, fast forward or fast reverse) of primary content data, a watermark which the program provider or the sponsor hopes to render is rendered. Proehl at 1:38-53; Fig. 3C. However, in Proehl, the watermark is incorporated into the primary content data and rendered only in a period of the modified mode in which main data is not reproduced properly. In contrast, in the system and method recited by independent claims 1 and 13, during normal reproducing mode in which main data is rendered (reproduced) properly, and sub data still is not rendered (reproduced), the substitute data associated with the sub data is rendered together with the main data. Amendment at 2-5. Furthermore, in Proehl, to depict the watermark in the modified playback mode, the watermark is superimposed onto a selected key frames. Proehl at 2:58-3:15. In this technology, judging whether the sub data still is not rendered is not needed from the beginning. Thus, Proehl, like Thomas, does not disclose the missing limitation.

As recited in currently amended claims 1 and 13, the ID code embedded in the main data and the sub data, in which the same ID code as assigned to the main data such as program contents and the like, is assigned to the sub data such as commercials. When the main data is rendered, the ID code assigned to the main data is detected and the detected ID code is compared with the ID code assigned to the stored sub data and it is judged whether the detected ID code conforms with the ID code assigned to the sub data. Amendment at 2-5. According to claims 1 and 13, it can be judged whether the sub data associated with the main data under rendering has already been rendered, and, unless the sub data has been rendered, substitute data embedded in the main data and associated in advance with the sub data is incorporated into the main data and rendered together with the main data. *Id.*

In conclusion, when the main data whose contents the user would actively render is rendered normally (when the contents are rendered in proper speed for watching and listening), substitute data of sub data still not rendered is incorporated into main data and rendered, and thus, both of the main data such as program video and sub data such as commercials can be provided properly with the user. This technology is not disclosed in Thomas nor in Proehl. Therefore, combining the two cannot render claims 1 and 13 obvious.

2.   **Dependent Claims Are Not Obvious**

First, claims 4, 5, and 17 are cancelled, rendering rejection of those claims moot.
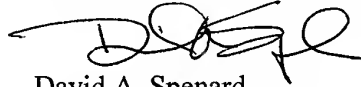
Of course, a dependent claim cannot be obvious if the independent claim from which it depends is not obvious. As discussed above, Applicants respectfully submit that claims 1 and 13 are not obvious. Claims 2-3 and 6-8 depend from claim 1 and claims 14-16 depend from claim 13. Therefore, claims 2-3, 6-8, and 14-16 are also not obvious.

III.   CONCLUSION

In conclusion, Applicant respectfully submits that the claims are now in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: January 15, 2008